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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 STEVEN VANCE, et al.,

11 Plaintiffs,

12 v.

13 AMAZON.COM, INC.,

14 Defendant.

CASE NO. C20-1084JLR

ORDER

15 Before the court are four motions: (1) Plaintiffs Steven Vance and Tim Janecyk's
16 motion for class certification (MCC (Dkt. # 51)); (2) Defendant Amazon.com, Inc.'s
17 ("Amazon") motion for summary judgment (MSJ (Dkt. # 62)); (3) Plaintiffs' Federal
18 Rule of Civil Procedure 56(d) motion for additional discovery (56(d) Mot. (Dkt. # 81));
19 and Amazon's motion to supplement the record on class certification (Supp. Mot. (Dkt.
20 # 88)). The court has considered the motions, the parties' submissions in support of and
21 in opposition to the motions, the relevant portions of the record, and the applicable law.
22 The court also heard oral argument on Monday, February 7, 2022. (*See* 1/31/22 Min.

1 Order (Dkt. # 89); 2/7/22 Min. Entry (Dkt. # 96).) Being fully advised, the court makes
2 the following rulings:

3 1. The court STRIKES Amazon's motion for summary judgment (Dkt. # 62)
4 without prejudice to Amazon renewing its motion after the parties complete the discovery
5 ordered below;

6 2. The court GRANTS IN PART Plaintiffs' Federal Rule of Civil Procedure
7 56(d) motion for additional discovery (Dkt. # 81) as follows:

8 (a) Plaintiffs may take the depositions of Dr. Stefano Soatto, Dr.
9 Yuanjun Xiong, Dr. Wei Xia, Dr. Michele Donini, Dr. Nashlie Sephus, and Dr.
10 Tal Hassner (collectively, "the Amazon Declarants") and Dr. Michele Merler.
11 Because Plaintiffs have already deposed Dr. Merler in relation to Plaintiffs'
12 motion for class certification, Dr. Merler's deposition shall be focused on the
13 issues raised by Amazon's motion for summary judgment;

14 (b) Amazon shall produce to Plaintiffs within 14 days after entry of this
15 order all documents upon which the Amazon Declarants relied in drafting their
16 declarations in support of Amazon's motion for summary judgment ("the
17 declarations");

18 (c) Amazon shall identify to Plaintiffs within 14 days after entry of this
19 order all non-attorney individuals with whom the Amazon Declarants consulted in
20 preparing the declarations;

21 (d) Amazon shall produce to Plaintiffs by no later than 30 days after
22 entry of this order all non-privileged documents in its possession or control that

1 were drafted, sent, received, or reviewed by the Amazon Declarants that refer or
2 relate to non-party International Business Machines Corporation's ("IBM")
3 Diversity in Faces ("DiF") Dataset;

4 (e) The parties shall complete the above discovery by no later than
5 Friday, April 29, 2022;

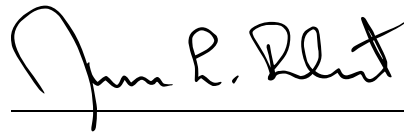
6 (f) The court has not yet ruled on the additional discovery requested by
7 Plaintiffs in their Rule 56(d) motion. If, after Plaintiffs complete their depositions
8 of the Amazon Declarants, additional discovery is necessary to oppose summary
9 judgment, they may file a second Rule 56(d) motion specifically identifying that
10 additional discovery by no later than Thursday, May 12, 2022; and

11 (g) If Plaintiffs do not file a second Rule 56(d) motion, Amazon shall
12 file its renewed motion for summary judgment, if any, by no later than Thursday,
13 May 12, 2022. The motion shall be noted in accordance with Local Rules W.D.
14 Wash. LCR 7(d)(3). If Plaintiffs do file a second Rule 56(d) motion, the court will
15 set a revised deadline for the motion for summary judgment based on its ruling on
16 Plaintiffs' motion.

17 3. The court STRIKES Plaintiffs' motion for class certification (Dkt. # 51)
18 without prejudice to Plaintiffs re-filing their motion after the court decides Amazon's
19 motion for summary judgment. Because the motion for class certification has been
20 stricken, the court DENIES Amazon's motion to supplement the class certification record
21 (Dkt. # 88) as moot; and
22

1 4. The court GRANTS Plaintiffs' counsel's request to waive the requirement
2 set forth in Local Rules W.D. Wash. LCR 83.1(d)(2) that local counsel sign all motions
3 and other documents filed with this court. The court reminds counsel, however, that local
4 counsel must be prepared to handle this matter in the event *pro hac vice* counsel are
5 unable to be present on any date scheduled by the court.

6 Dated this 8th day of February, 2022.

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9 JAMES L. ROBART
10 United States District Judge
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